

立法會
Legislative Council

LC Paper No. CB(2)1224/13-14(06)

Ref : CB2/PL/SE

Panel on Security

**Information note prepared by the Legislative Council Secretariat
for the meeting on 8 April 2014**

**Police's handling of abusive or uncooperative behaviour
of members of the public**

The subject of Police's handling of abusive or uncooperative behaviour of members of the public per se has not been discussed by the Panel on Security ("the Panel"). According to a press release issued by the Police on 12 March 2014, a set of guidelines to advise police officers on how to handle abusive behaviour directed at them by members of the public would be rolled out on 17 March 2014. The guidelines are aimed at standardising police response to such situations and ensuring delivery of professional service at all times.

2. According to the Police's webpage on the guidelines, abusive behaviour towards police officers does not in itself constitute an offence in either criminal or common law. Police officers have to deal with such cases in accordance with existing legislation and procedures. The key features of the guidelines are as follows -

- (a) the guidelines will assist police officers to perform their daily constabulary duties such as responding to calls for assistance from the public, conducting stop and search and traffic enforcement. They are not applicable to public order events, which are subject to separate procedures;
- (b) each case will be treated on its own merits with police officers exercising professional judgement and responding in proportion to the behaviour of the subject and the nature of the report/complaint. The guidelines remind police officers to remain calm and patient in the face of provocation, to be aware of their own speech and body language in order not to aggravate matters and, if possible, to defuse the situation;

- (c) during an abusive encounter where no offence is committed and there is no longer any constabulary purpose to be served in remaining at the scene, a police officer will ensure that appropriate action has been taken and the reason for the action has been explained to the subject before withdrawing. The disengagement will help to ensure police resources are properly deployed; and
- (d) under certain circumstances, where a person is committing or about to commit an offence, police officers may have to take enforcement action. Advice and warning may be given, where appropriate, and arrest action may be considered if the subject does not stop his action where it amounts to an offence, such as breaching the peace or obstructing a police officer.

3. The Administration will brief the Panel on the Police's handling of abusive or uncooperative behaviour of members of the public at the meeting on 8 April 2014.

Council Business Division 2
Legislative Council Secretariat
2 April 2014